

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BEVERLY HENRY and
THADDEUS ROUGIER,

Plaintiffs,

vs.

VERDICT SHEET

Civil No.: 10-CV-800-A

DEPUTY SHERIFF RAY TRACY,
DEPUTY SHERIFF RAYMOND NEEDLE,
DEPUTY SHERIFF CRAIG BEITER, and
SHERIFF'S INVESTIGATOR DANIEL DOUGLAS,

Defendants.

SPECIAL VERDICT FORM

Instructions

Below are a series of questions you will use as a guide to your deliberation of the case you just heard in court.

Read each question carefully, noting that you must answer each question either "YES" or "NO" by placing an "x" or check-mark next to the answer you choose.

You may not select an answer to any of the questions below unless the jury is unanimous in selecting that answer.

To document that each juror agrees with the answer marked, each and every juror must sign their name on one of the blank lines that immediately follows the question.

After considering each question, follow any directions printed in **BOLD** font that follow the question. Please note that some of the directions following a question may direct you to skip over the next question(s). Therefore, when you have concluded, you are directed by this form to report your answers to the Court and you may not have addressed every question contained on this form.

When the directions following a question direct you to end your deliberations and report your results to the Court, you must immediately notify the Court Officer that you have completed your deliberations and are ready to report your answers to the Court.

1. Did Plaintiff, Thaddeus Rougier, consent to have his vehicle transported to U.S. Customs and Border Protection to be x-rayed?

NO _____

YES _____

Jury Signatures

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If you answered "NO" to this question, proceed to QUESTION #2.

If you answered "YES" to this question, STOP and report your verdict to the Court Officer.

2. Did Defendant, DEPUTY SHERIFF RAY TRACY, have reasonable suspicion to prolong the traffic stop by transporting Mr. Rougier's vehicle to U.S. Customs and Border Protection to be x-rayed?

NO _____

YES _____

Jury Signatures

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If your answer is "No", proceed to Question 3.

If your answer is "Yes", proceed to Question 7.

3. Did Defendant, DEPUTY SHERIFF RAY TRACY, have probable cause to transport Plaintiffs' vehicle to U.S. Customs and Border Protection to be x-rayed?

NO _____

YES _____

Jury Signatures

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If your answer is "No", proceed to Question 4.

If your answer is "Yes", proceed to Question 7.

4. Was it objectively reasonable for Defendant, DEPUTY SHERIFF RAY TRACY, to believe that his conduct in having the vehicle transported to U.S. Customs and Border Protection to be x-rayed did not violate the Plaintiffs' constitutional rights?

NO _____

YES _____

Jury Signatures

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If your answer is "No", proceed to Question 5.

If your answer is "Yes", proceed to Question 7.

5. Did Plaintiff, BEVERLY HENRY, sustain any actual injuries as the direct result of Defendant, DEPUTY SHERIFF RAY TRACY's actions or inactions in having the vehicle transported to U.S. Customs and Border Protection to be x-rayed?

NO _____

YES _____

Jury Signatures

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Proceed to Question 6.

6. Did Plaintiff, THADDEUS ROUGIER, sustain any actual injuries as the direct result of Defendant, DEPUTY SHERIFF RAY TRACY's actions or inactions in having the vehicle transported to U.S. Customs and Border Protection to be x-rayed?

NO _____

YES _____

Jury Signatures

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Proceed to Question 7.

7. Did Defendant, DEPUTY SHERIFF RAYMOND NEEDLE, have reasonable suspicion to prolong the traffic stop by transporting Mr. Rougier's vehicle to U.S. Customs and Border Protection to be x-rayed?

NO _____

YES _____

Jury Signatures

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If your answer is "No", proceed to Question 8.

If your answer is "Yes", proceed to Question 12.

8. Did Defendant, DEPUTY SHERIFF RAYMOND NEEDLE, have probable cause to transport Plaintiffs' vehicle to U.S. Customs and Border Protection to be x-rayed?

NO _____

YES _____

Jury Signatures

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If your answer is "No", proceed to Question 9.

If your answer is "Yes", proceed to Question 12.

9. Was it objectively reasonable for Defendant, DEPUTY SHERIFF RAYMOND NEEDLE, to believe that his conduct in having the vehicle transported to U.S. Customs and Border Protection to be x-rayed did not violate the Plaintiffs' constitutional rights?

NO _____

YES _____

Jury Signatures

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If your answer is "No", proceed to Question 10.

If your answer is "Yes", proceed to Question 12.

10. Did Plaintiff, BEVERLY HENRY, sustain any actual injuries as the direct result of Defendant, DEPUTY SHERIFF RAYMOND NEEDLE's actions or inactions in having the vehicle transported to U.S. Customs and Border Protection to be x-rayed?

NO _____

YES _____

Jury Signatures

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Proceed to Question 11.

11. Did Plaintiff, THADDEUS ROUGIER, sustain any actual injuries as the direct result of Defendant, DEPUTY SHERIFF RAYMOND NEEDLE's actions or inactions in having the vehicle transported to U.S. Customs and Border Protection to be x-rayed?

NO _____

YES _____

Jury Signatures

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Proceed to Question 12.

12. Did Defendant, DEPUTY SHERIFF CRAIG BEITER, have reasonable suspicion to prolong the traffic stop by transporting Mr. Rougier's vehicle to U.S. Customs and Border Protection to be x-rayed?

NO _____

YES _____

Jury Signatures

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If your answer is "No", proceed to Question 13.

If your answer is "Yes", proceed to Question 17.

13. Did Defendant, DEPUTY SHERIFF CRAIG BEITER, have probable cause to transport Plaintiffs' vehicle to U.S. Customs and Border Protection to be x-rayed?

NO _____

YES _____

Jury Signatures

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If your answer is "No", proceed to Question 14.

If your answer is "Yes", proceed to Question 17.

14. Was it objectively reasonable for Defendant, DEPUTY SHERIFF CRAIG BEITER, to believe that his conduct in having the vehicle transported to U.S. Customs and Border Protection to be x-rayed did not violate the Plaintiffs' constitutional rights?

NO _____

YES _____

Jury Signatures

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If your answer is "No", proceed to Question 15.

If your answer is "Yes", proceed to Question 17.

15. Did Plaintiff, BEVERLY HENRY, sustain any actual injuries as the direct result of Defendant, DEPUTY SHERIFF CRAIG BEITER's actions or inactions in having the vehicle transported to U.S. Customs and Border Protection to be x-rayed?

NO _____

YES _____

Jury Signatures

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Proceed to Question 16.

16. Did Plaintiff, THADDEUS ROUGIER, sustain any actual injuries as the direct result of Defendant, DEPUTY SHERIFF CRAIG BEITER's actions or inactions in having the vehicle transported to U.S. Customs and Border Protection to be x-rayed?

NO _____

YES _____

Jury Signatures

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Proceed to Question 17.

17. Did Defendant, SHERIFF'S INVESTIGATOR DANIEL DOUGLAS, have reasonable suspicion to prolong the traffic stop by transporting Mr. Rougier's vehicle to U.S. Customs and Border Protection to be x-rayed?

NO _____

YES _____

Jury Signatures

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If your answer is "No", proceed to Question 18.

If your answer is "Yes", AND your answer to Questions 2, 3 or 4 were "Yes", OR your answer to 5 and 6 were "No"

AND

Your answer to Questions 7, 8, or 9 were "Yes", OR your answer to Questions 10 and 11 were "No"

AND

Your answer to Questions 12, 13 or 14 were "Yes" OR your answer to Questions 16 and 17 were "No",

STOP and proceed to the Court Officer.

If your answer is "Yes", but your answer to Questions 2, 3, 4, 7, 8, 9, 12, 13 or 14 were "No", OR your answer to Questions 5, 6, 10, 11, 16 or 17 were "Yes", proceed to Question 22.

18. Did Defendant, SHERIFF'S INVESTIGATOR DANIEL DOUGLAS, have probable cause to transport Plaintiffs' vehicle to U.S. Customs and Border Protection to be x-rayed?

NO _____

YES _____

Jury Signatures

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If your answer is "No", proceed to Question 19.

If your answer is "Yes", AND your answer to Questions 2, 3 or 4 were "Yes", OR your answer to 5 and 6 were "No"

AND

Your answer to Questions 7, 8, or 9 were "Yes", OR your answer to Questions 10 and 11 were "No"

AND

Your answer to Questions 12, 13 or 14 were "Yes" OR your answer to Questions 16 and 17 were "No",

STOP and proceed to the Court Officer.

If your answer is "Yes", but your answer to Questions 2, 3, 4, 7, 8, 9, 12, 13 or 14 were "No", OR your answer to Questions 5, 6, 10, 11, 16 or 17 were "Yes", proceed to Question 22.

19. Was it objectively reasonable for Defendant, SHERIFF'S INVESTIGATOR DANIEL DOUGLAS, to believe that his conduct in having the vehicle transported to U.S. Customs and Border Protection to be x-rayed did not violate the Plaintiffs' constitutional rights?

NO _____

YES _____

Jury Signatures

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If your answer is "No", proceed to Question 20.

If your answer is "Yes", AND your answer to Questions 2, 3 or 4 were "Yes", OR your answer to Questions 5 and 6 were "No"

AND

Your answer to Questions 7, 8, or 9 were "Yes", OR your answer to Questions 10 and 11 were "No"

AND

Your answer to Questions 12, 13 or 14 were "Yes" OR your answer to Questions 16 and 17 were "No",

STOP and proceed to the Court Officer.

If your answer is "Yes", but your answer to Questions 2, 3, 4, 7, 8, 9, 12, 13 or 14 were "No", OR your answer to Questions 5, 6, 10, 11, 16 or 17 were "Yes", proceed to Question 22.

20. Did Plaintiff, BEVERLY HENRY, sustain any actual injuries as the direct result of Defendant, SHERIFF'S INVESTIGATOR DANIEL DOUGLAS' actions or inactions in having the vehicle transported to U.S. Customs and Border Protection to be x-rayed?

NO _____

YES _____

Jury Signatures

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Proceed to Question 21.

21. Did Plaintiff, THADDEUS ROUGIER, sustain any actual injuries as the direct result of Defendant, SHERIFF'S INVESTIGATOR DANIEL DOUGLAS' actions or inactions in having the vehicle transported to U.S. Customs and Border Protection to be x-rayed?

NO _____

YES _____

Jury Signatures

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If your answer to Questions 20 and/or 21 is "Yes", proceed to Question 22.

If your answer to Questions 20 and 21 is "No", AND your answer to Questions 2, 3 or 4 were "Yes", OR your answer to Questions 5 and 6 were "No"

AND

Your answer to Questions 7, 8, or 9 were "Yes", OR your answer to Questions 10 and 11 were "No"

AND

Your answer to Questions 12, 13 or 14 were "Yes" OR your answer to Questions 16 and 17 were "No",

STOP and proceed to the Court Officer.

If your answer to questions 20 and 21 is "No", but your answer to Questions 2, 3, 4, 7, 8, 9, 12, 13 or 14 were "No", OR your answer to Questions 5, 6, 10, 11, 16 17 or 20 were "Yes", proceed to Question 22.

22. Did Plaintiff, BEVERLY HENRY's conduct contribute to her injuries?

NO _____

YES _____

Jury Signatures

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Proceed to Question 23.

23. Did Plaintiff, THADDEUS ROUGIER's conduct contribute to his injuries?

NO _____

YES _____

Jury Signatures

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Proceed to Question 24.

24. What is the relative percentage of fault of each of the following parties:

Note: Do not assign any percentage to DEPUTY SHERIFF RAY TRACY, unless you answered “NO” to Question 2, 3, or 4 AND you answered “YES” to Question 5 or 6.

Do not assign any percentage to DEPUTY SHERIFF RAYMOND NEEDLE, unless you answered “NO” to Question 7, 8, or 9 AND you answered “YES” to Question 10 or 11.

Do not assign any percentage to DEPUTY SHERIFF CRAIG BEITER, unless you answered “NO” to Question 12, 13, or 14 AND you answered “YES” to Question 15 or 16.

Do not assign any percentage to SHERIFF’S INVESTIGATOR DANIEL DOUGLAS, unless you answered “NO” to Question 17, 18, or 19 AND you answered “YES” to Question 20 or 21.

Do not assign any percentage to BEVERLY HENRY, unless you answered “YES” to Question 22.

Do not assign any percentage to THADDEUS ROUGIER, unless you answered “YES” to Question 23.

DEPUTY SHERIFF RAY TRACY _____ %

DEPUTY SHERIFF RAYMOND NEEDLE _____ %

DEPUTY SHERIFF CRAIG BEITER _____ %

SHERIFF'S INVESTIGATOR
DANIEL DOUGLAS _____ %

BEVERLY HENRY _____ %

THADDEUS ROUGIER _____ %

TOTAL MUST EQUAL: _____ 100 %

25. If, and only if, you answered "YES" to questions 5, 10, 15, OR 20, answer the following:
What amount, if any, do you award to Plaintiff, Beverly Henry, for compensatory damages?

\$ _____

Proceed to Question 26.

26. If, and only if, you answered "YES" to questions 6, 11, 16, OR 21, answer the following:
What amount, if any, do you award to Plaintiff, Thaddeus Rougier, for compensatory damages?

\$ _____

Proceed to Question 27.

27. If, and only if, you awarded no compensatory damages to Plaintiff, Beverly Henry, what amount of nominal damages, not to exceed one dollar, do you award to Plaintiff, Beverly Henry?

\$ _____

Proceed to Question 28.

28. If, and only if, you awarded no compensatory damages to Plaintiff, Thaddeus Rougier, what amount of nominal damages, not to exceed one dollar, do you award to Plaintiff, Thaddeus Rougier?

\$ _____

Each juror must now print and sign their names in the spaces provided on the next page entitled "Juror Certification." By signing their name below, each juror is indicating that they agree with each and every answer reported on this Verdict Form.

Verdict Certification

PRINTED NAME

SIGNATURE

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Summon the Court Officer and advise him or her that you are ready to report your answers to the Court.